

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

TEDDY L. MAY

PLAINTIFF

VS.

CIVIL ACTION NO.: 2:11cv00193-MPM-JMV

BOBBY PHILIPS AND
CORRECTIONS CORPORATION OF AMERICA

DEFENDANTS

ORDER

This matter is before the court on motion of the plaintiff to compel discovery (#68). The defendants have responded.

The court has examined the plaintiff's motion and defendants' response. However, because plaintiff's counsel did not follow the local rule, the court is unable to consider the motion on its merits. Specifically, Local Rule 37(a) provides, among other things, that "[b]efore service of a discovery motion, counsel must confer in good faith to determine to what extent the issue in question can be resolved without court intervention." Counsel shall then file along with its motion a Good Faith Certificate bearing the signature or endorsement of *all counsel*. (emphasis added) Because the certificate must be signed by all counsel, the procedure often alerts the allegedly derelict party that this is a matter of some seriousness. It also demands that the parties confer with more than simply a letter and nothing else.

The court would note that denial of the present motion is in no way intended as a position on the merits of the motion. Should plaintiff's counsel attempt to confer in good faith and receive what it believes unsatisfactory responses, and if the federal and local rules are followed, the court will consider the matter at that time, assuming the motion has not otherwise become moot by virtue of defendants' recent production of documents.

IT IS THEREFORE ORDERED that the plaintiff's motion to compel discovery responses
(#68) is hereby DENIED.

SO ORDERED, this the 30th day of May 2013.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE